

## SENATE BILL No. 51

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-6.1.

**Synopsis:** Victim's compensation fund. Requires that insurance proceeds and other benefits received by a person seeking reimbursement from the violent crime victims compensation fund be applied to reduce the amount of compensable out-of-pocket expenses eligible for reimbursement from the fund.

**Effective:** July 1, 2007.

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**Wyss, Broden**

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January 8, 2007, read first time and referred to Committee on Judiciary.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 51

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 5-2-6.1-32, AS AMENDED BY P.L.121-2006,  
2       SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2007]: Sec. 32. (a) **The division may compensate a claimant**  
4       **only for the claimant's compensable out-of-pocket expenses that**  
5       **have not or will not be reimbursed from another source. In**  
6       **determining a claimant's compensable out-of-pocket expenses,** the  
7       division shall ~~reduce an award made under this chapter by the amount~~  
8       ~~of benefits received or to be received~~ **not consider any expenses for**  
9       **which the claimant has received or will receive benefits** from the  
10      following sources if those benefits result from or are in any manner  
11      attributable to the bodily injury or death upon which the award is  
12      based:  
13      (1) Benefits from public or private pension programs, including  
14      Social Security benefits.  
15      (2) Benefits from proceeds of an insurance policy.  
16      (3) Benefits under IC 22-3-2 through IC 22-3-6.  
17      (4) Unemployment compensation benefits.



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(5) Benefits from other public funds, including Medicaid and Medicare.

~~Compensation~~ **The amount of compensable out-of-pocket expenses** must be further reduced or denied to the extent that the claimant's loss is recouped from other collateral sources.

(b) The division shall further reduce ~~an award~~ **the amount of compensable out-of-pocket expenses** under this chapter by the following:

(1) The amount of court ordered restitution actually received by the victim from the offender.

(2) Benefits actually received by the victim from a third party on behalf of the offender.

(c) The division shall determine whether the victim vigorously pursued recovery against available collateral sources described in this section.

(d) If the division finds that a victim has failed to pursue an applicable collateral source of recovery, the division shall reduce ~~or deny an award under this section~~ **the amount of compensable out-of-pocket expenses** by the amount that is available to the victim through the collateral source.

(e) A claimant must exhaust any paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time accrued through an employer before applying for benefits. The division may not reimburse the victim for the use of paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time.

SECTION 2. IC 5-2-6.1-35, AS AMENDED BY P.L.121-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 35. **(a) The division may not pay more than fifteen thousand dollars (\$15,000) in compensation to a claimant under this chapter.**

~~(a)~~ **(b)** An award to a claimant under this chapter

~~(1)~~ **may not exceed fifteen thousand dollars (\$15,000); and**

~~(2)~~ **may not cover the first one hundred dollars (\$100) of the claim.**

~~(b)~~ **(c)** The part of an award covering an unpaid bill shall be made payable to the service provider.

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